IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 34097 of 2004(H)

PETITIONER:

P.A.ABDUL KARIM KASIM, AGED 42 YEARS,
PUTHALATH ARANJICKAL HOUSE, POMAICOD P.O.,
MUKKOM(VIA), KOZHIKODE.
(CLASS III TYPIST, KERALA STATE WARE HOUSING CORPORATION,KOCHI-16).

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS:
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1. THE KERALA STATE WAREHOUSING CORPORATION
ERNAKULAM, KOCHI-16.

2. MANAGING DIRECTOR,
THE KERALA STATE WAREHOUSING CORPORATION,
ERNAKULAM, KOCHI-16.

3. O.BALAKRISHNAN, SENIOR ASSISTANT
STATE WAREHOUSING CORPORATION, PINANGODU ROAD,
KALPETTA.

4. P.BALAN NAIR, SENIOR ASSISTANT,
STATE WAREHOUSING CORPORATION, CHERUVANOOR,
NALLALAM P.O., KOZHIKODE.

5. P.T.KURIAN. ASSISTANT,
STATE WAREHOUSING CORPORATION,
PINANGODU ROAD, PALAKKAD.

BY ADV. SRI.N.D.PREMACHANDRAN,
ADV. SRI.MAJNU KOMATH, SC, K.S.W.C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 34097/2004 H

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE SENIORITY LIST PREPARED BY R1.

EXT.P2. COPY OF THE LETTER DT. 16/3/93 BY THE R2 TO THE PETITIONER.

EXT.P3. COPY OF THE LETTER BY THE R2 TO THE PETITIONER DT. 27/12/95.

EXT.P4. COPY OF THE JUDGMENT IN OP NO. 2846/96 DT. 27/11/98.

EXT.P5. COPY OF THE REPRESENTATION DT, 30/09/02 TO THE R2 BY THE PETITIONER.

EXT.P6. COPY OF THE REPRESENTATION BY THE PETITIONER TOT HER 2 DT. 1/6/04.

RESPONDENT'S EXHIBITS

EXT.R2A. COPY OF THE APPOINTMENT ORDER DT.9/11/91.

EXT.R2B. COPY OF THE JOINING REPORT OF THE PETITIONER DT. 11/11/91.

EXT.R2C. COPY OF THE PROMOTION ORDER DT. 27/11/96.

True copy

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THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.34097 OF 2004-H

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Dated this the 11th day of July, 2007.

JUDGMENT

The petitioner is a beneficiary of the order of the Apex Court dated April 16, 1991 in Civil Appeal Nos. 1959-60 of 1991. The effect of that order fell for consideration in O.P.No.2846/1996. It was held by the judgment dated 27-11-1998 in that case that even if a person who was earlier working in the Class III category had opted for Class IV category on account of the absence of vacancies in the Class III category for regularization following the aforesaid order of the Apex Court, he is entitled to insist that he should be moved

into the Class III category in preference to any of his juniors entering service and such entitlement is not forfeited. That judgment has become final. If that be so, the petitioner is, indisputably, entitled to the reliefs sought for in this writ petition. Accordingly, there will be an order that the petitioner would be given the due promotion as Assistant in Class III from the date on which his immediate junior was promoted or appointed to that category. All consequential promotions shall also be reviewed and orders issued at the earliest in the light of what is stated above.

The writ petition is disposed of as above.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-